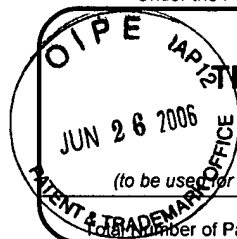


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Application Number	10/630,883
Filing Date	July 30, 2003
First Named Inventor	FOERSTER
Art Unit	3736
Examiner Name	Eleni M. Mantis Mercader
Attorney Docket Number	032,290-111

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	O'MELVENY & MYERS LLP		
Signature	<i>Diane K. Wong</i>		
Printed name	Diane K. Wong		
Date	June 22, 2006	Reg. No.	54,550

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Patent
Attorney Docket No. 032,290-111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

FOERSTER

Serial No.: 10/630,883

Filed: July 30, 2003

For: METHOD AND DEVICES FOR
DEFINING AND MARKING TISSUE

Group Art Unit: 3736

Examiner: Eleni M. Mantis
Mercader

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants are submitting copies of the five (5) enclosed Search Reports from related applications. Please note that these references have been cited in previously filed Information Disclosure Statements.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: June 22, 2006

By: Diane K. Wong

Diane K. Wong
Reg. No. 54,550
Attorneys for Applicants

O'Melveny & Myers LLP
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A.A. Thornton & Co.,
235 High Holborn
London WC1V 7LE
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Datum/Date

05.12.03

Zeichen/Ref./Réf.

PAC/ags/18198A

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.

03075084.8-1265-

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

ETHICON ENDO-SURGERY, INC.

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

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The following specifications given by the applicant have been approved by the Search Division:

☐ abstract

☐ title

☒ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract: 18, 19, 20.

REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	US 5 195 988 A (HAAGA) 23 March 1993 (1993-03-23) * figures 1-3 *	1-4	A61B19/00
X	--- US 5 433 751 A (INOTEB) 18 July 1995 (1995-07-18) * abstract *	1-9	
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A	--- US 3 194 239 A (SULLIVAN) 13 July 1965 (1965-07-13) * column 2, paragraph 3 - paragraph 4; figures 1-4 *	1,5	TECHNICAL FIELDS SEARCHED (Int.Cl.7) A61B A61F
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A	--- US 5 127 916 A (SPENCER) 7 July 1992 (1992-07-07) -----		
The present search report has been drawn up for all claims			
Place of search THE HAGUE		Date of completion of the search 19 November 2003	Examiner Barton, S
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document			

**ANNEX TO THE EUROPEAN SEARCH REPORT
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EP 03 07 5084

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19-11-2003

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
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			WO 9212678 A1	06-08-1992

FORM P0459



European Patent
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**SUPPLEMENTARY
PARTIAL EUROPEAN SEARCH REPORT**

Application Number

which under Rule 45 of the European Patent Convention EP 99 93 5335
shall be considered, for the purposes of subsequent
proceedings, as the European search report

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DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.C1.6)
X	US 5 195 988 A (HAAGA ET AL) 23 March 1993 (1993-03-23) * column 4, line 3 - line 19 * * column 7, line 58 - column 8, line 8 * -----	1-4, 14	A61B5/00
X	US 5 487 392 A (HAAGA ET AL) 30 January 1996 (1996-01-30) * column 5, line 51 - column 6, line 1; figure 3 * -----	1-4, 11, 14	
			TECHNICAL FIELDS SEARCHED (Int.C1.6)
			A61B
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
INCOMPLETE SEARCH			
The Search Division considers that the present application, or some or all of its claims, does/do not comply with the EPC to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially, for the following claims:			
Claims searched completely :			
Claims searched incompletely :			
Claims not searched :			
Reason for the limitation of the search: see sheet C			
1	Place of search The Hague	Date of completion of the search 27 October 2005	Examiner Mayer-Martenson, E
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EP 99 93 5335

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27-10-2005

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5195988	A	23-03-1993	NONE	
US 5487392	A	30-01-1996	CA 2175831 A1	26-05-1995
			DE 69432525 D1	22-05-2003
			DE 69432525 T2	01-04-2004
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			US 5718237 A	17-02-1998

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**LACK OF UNITY OF INVENTION
SHEET B**

Application Number
EP 99 93 5335

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. claims: 1-13

biopsy localisation device with bioabsorbable element being palpable

2. claims: 14-16

biopsy localisation device with bioabsorbable element having roughened margins

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INTERNATIONAL SEARCH REPORT

Application No.
PCT/US99/13909

A. CLASSIFICATION OF SUBJECT MATTER

IPC(6) :A61B 5/00

US CL :600/362, 365, 367

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 600/362, 365, 367

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

WEST

Search Terms: biopsy localization, bioabsorbable, biopsy site, hemostasis

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X — Y	US 5,487,392 A (HAAGA) 30 January 1996, col. 7 lines 58-67 to col. 8 lines 1-9.	1 ----- 2-57
Y, P	US 5,807,276 A (RUSSIN) 15 September 1998, col. 7 lines 22-24.	2-55
Y, P	US 5,795,308 A (RUSSIN) 18 August 1998, col. 7 lines 26-33.	56, 57

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BRIAN SZMAL

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/30619

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 A61B17/00 A61B8/00 A61B19/00

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B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

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C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y A X Y A	<p>WO 98 47430 A (VASCULAR SCIENCE INC) 29 October 1998 (1998-10-29) page 5, line 11 -page 6, line 14</p> <p>page 8, line 30 -page 11, line 34; figures claim 7</p> <p>EP 0 534 696 A (ERLEBACHER JAY ;GOLDWEIT RICHARD S (US)) 31 March 1993 (1993-03-31) column 3, line 43 - line 52 column 6, line 44 -column 7, line 55; figures</p> <p style="text-align: center;">-/-</p>	<p>1,7-12, 61-63 3,25-40, 51,52,60</p> <p>223</p> <p>1,7-12, 61-63 15-22,34</p>

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Date of the actual completion of the international search

23 August 2000

Date of mailing of the international search report

30.08.2000

Name and mailing address of the ISA

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Manschot, J

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/30619

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5 108 421 A (FOWLER BRADFORD C) 28 April 1992 (1992-04-28) column 5, line 29 -column 6, line 51; figures	1,7-12, 25-28
X	column 1, line 13 - line 30 column 5, line 63 -column 6, line 51	84,85, 92,93, 123
A	US 4 787 391 A (ELEFTERIADES JOHN A) 29 November 1988 (1988-11-29) column 3, line 34 -column 4, line 48; claims; figures	1-3, 7-12, 26-28
A	US 5 645 566 A (BRENNEMAN RODNEY ET AL) 8 July 1997 (1997-07-08) the whole document	1
A	US 5 670 161 A (HEALY KEVIN E ET AL) 23 September 1997 (1997-09-23) abstract; claims; figures	1
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X	DE 44 03 789 A (SCHERING AG) 10 August 1995 (1995-08-10) column 3, line 55 - line 68 column 7, line 10 - line 35	65,66, 69,71,72
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INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/30619

C. (Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DUFRANE P ET AL: "PREBIOPSY LOCALIZATION OF NON-PALPABLE BREAST CANCER" JOURNAL BELGE DE RADIOLOGIE, XX, XX, vol. 73, no. 5, 1 October 1990 (1990-10-01), pages 401-404, XP000513990 the whole document	65, 67
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INTERNATIONAL SEARCH REPORT

Int. Application No.

PCT/US 95/11558

A. CLASSIFICATION OF SUBJECT MATTER
IPC 6 A61B19/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61B A61F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to class No.
X	EP,A,0 146 699 (SULZER) 3 July 1985	1,2,13, 15,16, 19,20, 22,23
Y	see page 3, last paragraph - page 4, paragraph 3; figures 1,2	3,4,7,8, 10,17, 21,24, 27,28
X	EP,A,0 293 605 (MEDITECH) 7 December 1988 see column 5, last paragraph see column 8, last paragraph - column 9, paragraph 1; figures 3,10	1,2,4, 7-12

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Date of the actual completion of the international search

17 January 1996

Date of mailing of the international search report

26.01.96

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Barton, S

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International Application No.

PCT/US 95/11558

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP,A,0 350 043 (PALESTRANT) 10 January 1990 see column 10, paragraph 3; figures 4-6 ---	1,2,4,7, 10-13, 19-23, 25-27
X	US,A,4 693 237 (HOFFMAN) 15 September 1987 see claims 1-4 ---	1,15,19, 22,23
X	US,A,4 682 606 (DECAPRIO) 28 July 1987 see abstract; figures 3,16 ---	1,19
Y	EP,A,0 481 685 (COOK) 22 April 1992 see abstract; figures 5,7 ---	3,4,7,8, 10,17, 21,27,28 5,6,20
Y	GB,A,2 132 091 (BARD) 4 July 1984 see page 1, line 112 - line 117 ---	24
A	US,A,4 909 250 (SMITH) 20 March 1990 see abstract; figures 1,3,4,6 ---	9
A	WO,A,93 19803 (BOSTON SCIENTIFIC) 14 October 1993 see abstract; figure 5; example 3 ---	1,11
A	WO,A,90 15576 (RESEARCH CORPORATION TECHNOLOGIES) 27 December 1990 see page 17, line 16 - line 17; figures 6,7 ---	1,19
A	US,A,5 195 540 (SHIBER) 23 March 1993 see abstract; figures 1,6 -----	1,19

INTERNATIONAL SEARCH REPORT

International application No.

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Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 29-34
because they relate to subject matter not required to be searched by this Authority, namely:
PCT Rule 39.1 (iv)
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

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INT NATIONAL SEARCH REPORT

information on patent family members

Int Application No

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